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## 2116-CV05640 - PATRICIA MICHAELS V WAL-MART STORES EAST I, ET AL (E-CASE)

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- 05/11/2021 ☐ [Notice of Service](#)  
21-SMCC-3766; Electronic Filing Certificate of Service.
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Document ID - 21-SMCC-3766; Served To - WAL-MART STORES EAST I, L.P.; Server - ; Served Date - 07-MAY-21; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served
- 04/27/2021 ☐ [Summons Issued-Circuit](#)  
Document ID: 21-SMCC-3766, for WAL-MART STORES EAST I, L.P..
- 04/26/2021 ☐ [Alias Summons Requested](#)  
Request for Alias Summons for Defendant CT Corporation; Electronic Filing Certificate of Service.  
**Filed By:** MARTY WAYNE SEATON  
**On Behalf Of:** PATRICIA MICHAELS
- 03/25/2021 ☐ [Summons Issued-Circuit](#)  
Document ID: 21-SMCC-2687, for SCOTT, RAY.
- ☐ [Order - Special Process Server](#)
- ☐ [Motion Special Process Server](#)  
Motion for Approval and Appointment of Private Process Server; Electronic Filing Certificate of Service.  
**Filed By:** MARTY WAYNE SEATON  
**On Behalf Of:** PATRICIA MICHAELS
- 03/19/2021 ☐ [Summons Returned Non-Est](#)  
Document ID - 21-SMCC-2117; Served To - SCOTT, RAY; Server - BATTMER, MACHELLE LYNN; Served Date - 18-MAR-21; Served Time - 23:59:00; Service Type - Civil Process Server; Reason Description - Moved
- 03/11/2021 ☐ [Summons Issued-Circuit](#)  
Document ID: 21-SMCC-2117, for SCOTT, RAY.
- ☐ [Summons Issued-Circuit](#)  
Document ID: 21-SMCC-2116, for WAL-MART STORES EAST I, L.P..
- ☐ [Case Mgmt Conf Scheduled](#)  
**Scheduled For:** 07/19/2021; 9:00 AM ; JENNIFER PHILLIPS; Jackson - Independence
- ☐ [Judge Assigned](#)
- 03/10/2021 ☐ [Filing Info Sheet eFiling](#)

**Filed By:** MARTY WAYNE SEATON

☐ **Note to Clerk eFiling**

**Filed By:** MARTY WAYNE SEATON

☐ **Pet Filed in Circuit Ct**

Petition for Damages.

**Filed By:** MARTY WAYNE SEATON

**On Behalf Of:** PATRICIA MICHAELS

Case.net Version 5.14.17.7

[Return to Top of Page](#)

Released 05/13/2021

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

PATRICIA MICHAELS  
507 NE CHURCHILL STREET  
LEES' SUMMIT, MISSOURI 64086

PLAINTIFF,

vs.

Case No.:

WAL-MART STORES EAST I, L.P.  
SERVE: REGISTERED AGENT  
CT CORPORATION SYSTEM  
120 SOUTH CENTRAL AVENUE  
CLAYTON, MISSOURI 63105

AND

RAY SCOTT  
1000 NE SAM WALTON LANE  
LEE'S SUMMIT, MISSOURI 64086

DEFENDANTS.

**PETITION FOR DAMAGES**

COMES NOW Plaintiff and for her petition for damages against defendants and states as follows:

**GENERAL ALLEGATIONS**

1. Plaintiff is an individual and resident in the state of Missouri.
2. Defendant Wal-Mart Stores East I, L.P. (hereafter "Wal-Mart") is a foreign corporation licensed to do business and doing business in the State of Missouri.
3. Defendant Ray Scott is an individual and resident of the State of Missouri.
4. This cause of action arises from an injury sustained by the plaintiff at defendant's retail store located at 1000 NE Sam Walton Lane, Lee's Summit, Missouri.

5. Defendant Wal-Mart owned and/or operated the Wal-Mart Store in Lee's Summit, Missouri where plaintiff was injured.

6. At all times relevant herein, defendant Ray Scott was employed by defendant Wal-Mart as the store manager for the Lee's Summit store. All actions and conduct of defendant Ray Scott alleged herein were undertaken in the course and scope of his employment with Wal-Mart.

7. On or about October 13, 2018, plaintiff was a customer at Wal-Mart's Lee's Summit retail store. Plaintiff was in an aisle of a store where products known as fire starting logs were displayed for sale. Individual fire logs were offered for sale and displayed on a shelf in a box.

8. As plaintiff was attempting to pull the a fire log from the box on the upper shelf the fire log and/or logs fell from the shelf down towards the plaintiff's striking here in the head, neck and shoulder area causing an injury to the plaintiff.

### COUNT I

COMES NOW Plaintiff and for Count I of her Petition against defendant Wal-Mart Stores East I, L.P., and states as follows:

9. Plaintiff incorporates each and every allegation set forth in the general allegations into Count I of her petition.

10. As the owner and/or operator of the Lee's Summit retail store, defendant Wal-Mart, and its employees and agents, owed plaintiff a duty to ensure that the store was reasonably safe and to protect invitees and customers, including the plaintiff, from any unsafe conditions in the store. Defendant's duty included maintaining safe shelves and displays and ensuring that

merchandise stocked or displayed on store shelves were displayed at a height and manner as to prevent merchandise from fall and injuring customers.

11. Defendant and/or its employees and agents breached the duty owed to Wal-Mart customers, including the plaintiff, and were thereby negligent. The box of fire logs was displayed in a manner, condition and height that was not safe for customers attempting to remove a fire log from the shelf for inspection or for purchase.

12. The conduct of defendant and/or defendant's agents and employees while in the course and scope of their employment with defendant caused or contributed to cause damages to the plaintiff.

13. Defendant, as a result of the unsafe condition, and vicariously, as a result of the conduct of its agents and employees who are responsible for displaying, stocking and inspecting products on the shelves were negligent in the following particulars:

- a) failing to create and implement proper safety policies to protect customers from falling merchandise;
- b) displaying fire logs on a shelf that would require some customers to reach over their head to access a fire log;
- c) stocking weighted items like fire logs in a box or other self-serve container creating a hazard for a customers attempting to access the item;
- d) failing to properly maintain the box or self serve container that the individual fire logs were displayed in;
- e) failing to remove the fire logs from the self-serve container;
- f) failing to inspect the displays for conditions that could could result in falling merchandise;

- g) failing to warn the plaintiff of the potential for falling merchandise;
- h) failing to have guards, rails or some other safety mechanism in place on store shelves to prevent merchandise from falling;

14. The negligence of defendant caused or directly contributed to cause and injury to the plaintiff. Plaintiff sustained an injury to her head, neck and shoulder. She sustained a head injury including a concussion. Plaintiff has incurred medical expenses and experienced pain and suffering. If a medical expert will testify that there is a permanent component to plaintiff's injury, plaintiff will seek damages for a permanent injury. If a medical expert will testify that the injury exacerbated any pre-existing physical condition that the plaintiff may have had, plaintiff will seek damages for an exacerbation of any such conditions.

15. Plaintiff is entitled to an award of damages to compensate her for damages and injuries she sustained in an amount that is fair reasonable and just.

WHEREFORE, Plaintiff prays for judgment in her favor and against defendant in an amount of fairly and adequately compensate her for her injuries and damages sustained and for such other relief as the Court deems fair, proper and just.

## **COUNT II**

COMES NOW Plaintiff and for count II of her petition against defendant Ray Scott states as follows.

16. Plaintiff incorporates each and every allegation set forth in the General Allegations and Count I above and to Count II of her Petition.

17. On or about October 13, 2018, defendant Scott was employed by Wal-Mart, Inc. as the store manager for Wal-Mart's Lee's Summit store located at 1000 N.E. Sam Walton Lane, Lee's Summit, Missouri 64086.

18. As a part of his duty or authority as the store manager, defendant Scott had control over, or had the right to control, and was responsible for overseeing the safe display of merchandise stocked on shelves of the Lee's Summit store by Wal-Mart employees.

19. Defendant Scott had control over, or had the right to control, and was responsible for implementing safe procedures to ensure that items stocked and displayed on store shelves in the Lee's Summit store were secure or not falling on customers in the store.

20. Because defendant Scott had control over, and was ultimately responsible for safety issues in the store, including the safe display and handling of merchandise displayed on the shelves in the store, defendant owed a duty to the customers, including the plaintiff, to exercise its control over such safety issues in a non-negligent manner.<sup>1</sup>

21. Defendant Scott breached the duty owed to Wal-Mart customers, including the plaintiff, and was thereby negligent. The box of fire logs was displayed in a manner, condition and height that was not safe for customers attempting to remove a fire log from the shelf for inspection or for purchase.

22. The conduct of Defendant Scott caused or contributed to cause damages to the plaintiff.

23. Defendant, as a result of the unsafe condition was negligent in the following particulars:

- a) failing to create and implement proper safety policies to protect customers from falling merchandise;

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<sup>1</sup> See Manning v. Wal-Mart Stores East, Inc., 304 F. Supp. 2d 1146 (E.D. Mo. 2004), Hutchen v. Wal-Mart Stores East 1, L.P., 555 F. Supp. 2d 1013 (E.D. Mo. 2008) and Kirk v. Wal-Mart Stores East, Inc., 2013 W.L. 85167 (W.D. of MO. 2013)



- b) permitting fire logs to be displayed on a shelf that would require some customers to reach over their head to access a fire log;
- c) permitting weighted items to be stocked in a box or other self-serve container creating a hazard for a customers attempting to access the item;
- d) failing to ensure that the box or self serve container that the individual fire logs were displayed in was safe and properly maintained;
- e) failing to direct Wal-Mart employees to remove the fire logs from the self-serve container;
- f) failing to ensure that displays were inspected for conditions that could could result in falling merchandise;
- g) failing to warn the plaintiff of the potential for falling merchandise;
- h) failing to have guards, rails or some other safety mechanism in place on store shelves to prevent merchandise from falling;

24. The negligence of defendant caused or directly contributed to cause and injury to the plaintiff. Plaintiff sustained an injury to her head, neck and shoulder. She sustained a head injury including a concussion. Plaintiff has incurred medical expenses and experienced pain and suffering. If a medical expert will testify that there is a permanent component to plaintiff's injury, plaintiff will seek damages for a permanent injury. If a medical expert will testify that the injury exacerbated any pre-existing physical condition that the plaintiff may have had, plaintiff will seek damages for an exacerbation of any such conditions.

25. Plaintiff is entitled to an award of damages to compensate her for damages and injuries she sustained in an amount that is fair reasonable and just.



WHEREFORE, Plaintiff prays for judgment in her favor and against defendant in an amount of fairly and adequately compensate her for her injuries and damages sustained and for such other relief as the Court deems fair, proper and just.

TURNER, SWEENY & SEATON

/s/ Marty W. Seaton

Marty W. Seaton - MO - 58815/KS 23059

[mseaton@turnersweeny.com]

John E. Turner - MO – 26218

[turner-sweeny@msn.com]

Christopher P. Sweeny - MO-44838/KS 16868

[csweeny@turnersweeny.com]

10401 Holmes Road, Ste. 450

Kansas City, Missouri 64131

(816) 942-5100

[FAX: (816) 942-5104]

ATTORNEYS FOR PLAINTIFF

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

**PATRICIA MICHAELS,**

**PLAINTIFF(S),**

**VS.**

**CASE NO. 2116-CV05640  
DIVISION 12**

**WAL-MART STORES EAST I, L.P.,**

**DEFENDANT(S).**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

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NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **JENNIFER PHILLIPS** on **19-JUL-2021** in **DIVISION 12** at **09:00 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

### **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

**/S/ JENNIFER PHILLIPS**

**JENNIFER PHILLIPS, Circuit Judge**

### **Certificate of Service**

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### **Attorney for Plaintiff(s):**

CHRISTOPHER PAUL SWEENEY, TURNER & SWEENEY, 10401 HOLMES ROAD, SUITE 450, KANSAS CITY, MO 64131

JOHN EDMUND TURNER, TURNER & SWEENEY, 10401 HOLMES ROAD, SUITE 450, KANSAS CITY, MO 64131

MARTY WAYNE SEATON, TURNER & SWEENEY, 10401 HOLMES ROAD, SUITE 450, KANSAS CITY, MO 64131

#### **Defendant(s):**

WAL-MART STORES EAST I, L.P.  
RAY SCOTT

Dated: 11-MAR-2021

MARY A. MARQUEZ

Court Administrator




# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2116-CV05640
Plaintiff/Petitioner: PATRICIA MICHAELS	Plaintiff's/Petitioner's Attorney/Address MARTY WAYNE SEATON TURNER & SWEENEY 10401 HOLMES ROAD SUITE 450 KANSAS CITY, MO 64131
Defendant/Respondent: WAL-MART STORES EAST I, L.P.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)


## Summons in Civil Case

**The State of Missouri to:** WAL-MART STORES EAST I, L.P.  
**Alias:**  
 CT CORPORATION SYSTEM  
 120 SOUTH CENTRAL AVENUE  
 CLAYTON, MO 63105

**COURT SEAL OF**  
  
 JACKSON COUNTY

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

11-MAR-2021  
 Date

  
 Clerk

Further Information:

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

### Sheriff's Fees

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Sheriff's Deputy Salary  
 Supplemental Surcharge \$ 10.00  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)  
**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County




# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2116-CV05640
Plaintiff/Petitioner: PATRICIA MICHAELS	Plaintiff's/Petitioner's Attorney/Address MARTY WAYNE SEATON TURNER & SWEENEY 10401 HOLMES ROAD SUITE 450 KANSAS CITY, MO 64131
Defendant/Respondent: WAL-MART STORES EAST I, L.P.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

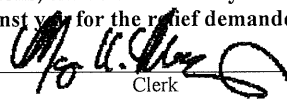
## Summons in Civil Case

**The State of Missouri to:** RAY SCOTT  
Alias:  
1000 NE SAM WALTON LANE  
LEE'S SUMMIT, MO 64086

**COURT SEAL OF**  
  
**JACKSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

11-MAR-2021  
Date

  
Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
Printed Name of Sheriff or Server

\_\_\_\_\_  
Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal) \_\_\_\_\_  
Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_  
Date Notary Public

**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

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Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

RECEIVED CIVIL PROCESS  
2021 MAR 15 PM 12:59

4/10

Judge or Division: JENNIFER PHILLIPS	Case Number: 2116-CV05640
Plaintiff/Petitioner: PATRICIA MICHAELS	Plaintiff's/Petitioner's Attorney/Address MARTY WAYNE SEATON TURNER & SWEENEY 10401 HOLMES ROAD SUITE 450 KANSAS CITY, MO 64131
Defendant/Respondent: WAL-MART STORES EAST I, L.P.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: RAY SCOTT  
Alias: *Battner*

1000 NE SAM WALTON LANE  
LEE'S SUMMIT, MO 64086

**COURT SEAL OF**  
  
**JACKSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

11-MAR-2021  
Date

*[Signature]*  
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

NON-EST

I hereby certify that I have made a diligent search for and failed to find the within named defendant Ray Scott, at 1000 NE Sam Walton Ln Lsmo 64086, for the reason that X001 moved stores

DEPARTMENT OF CIVIL PROCESS  
COURT ADMINISTRATOR'S OFFICE  
CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
BY *Maretha Battner*  
DEPUTY

3/18/21  
Date

CIRCT 3031- 12/13

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
☐ AT KANSAS CITY ☒ AT INDEPENDENCE

Patricia Michaels

PETITIONER/PLAINTIFF,

VS.

CASE NO. 2116-CV05640

Wal-Mart Stores East I, L.P.

RESPONDENT/DEFENDANT.

**MOTION FOR APPROVAL AND APPOINTMENT  
OF PRIVATE PROCESS SERVER**

COMES NOW Plaintiff in the above captioned matter and for her Motion for Approval/ Appointment of a Private Process Server, pursuant to Local Rule 4.9 of the Jackson County Circuit Court Rules, states to the Court as follows:

The Petitioner/ Plaintiff requests that the following individual be approved and appointed to serve process in this case:

Legal Name **Tom Tippit**

Registration No. (if applicable) **PPS21-0528**

The Petitioner/Plaintiff states that:

- ☐ The above-named individual is qualified to serve process in this matter and that an affidavit containing the information required by Rule 4.9 and attesting to such qualifications is attached and incorporated as Exhibit "A".
- ☒ The above-named individual is on the Court's List of Approved Process Servers and all of the information contained in his/her Application and Affidavit currently on file is still correct.
- ☐ The above-named individual is on the Court's List of Approved Process Servers and the information contained in his/her Application and Affidavit needs to be updated as indicated in an attachment, provided by me herewith.

/s/ Marty W. Seaton

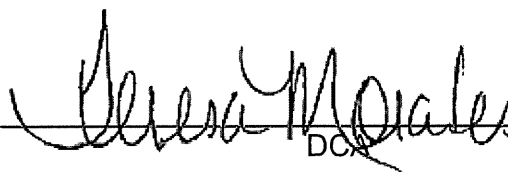
Attorney for Plaintiffs

**ORDER**

It is hereby ordered that Petitioner/ Plaintiff's Motion for Approval and Appointment of a Private Process server is sustained and the above-named individual is hereby approved and appointed to serve process in the above captioned matter.

25-Mar-2021

DATE

  
DCJ

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
☐ AT KANSAS CITY ☒ AT INDEPENDENCE

Patricia Michaels

PETITIONER/PLAINTIFF,

VS.

CASE NO. 2116-CV05640

Wal-Mart Stores East I, L.P.

RESPONDENT/DEFENDANT.

**MOTION FOR APPROVAL AND APPOINTMENT  
OF PRIVATE PROCESS SERVER**

COMES NOW Plaintiff in the above captioned matter and for her Motion for Approval/ Appointment of a Private Process Server, pursuant to Local Rule 4.9 of the Jackson County Circuit Court Rules, states to the Court as follows:

The Petitioner/ Plaintiff requests that the following individual be approved and appointed to serve process in this case:

Legal Name **Tom Tippit**

Registration No. (if applicable) **PPS21-0528**

The Petitioner/Plaintiff states that:

- ☐ The above-named individual is qualified to serve process in this matter and that an affidavit containing the information required by Rule 4.9 and attesting to such qualifications is attached and incorporated as Exhibit "A".
- ☒ The above-named individual is on the Court's List of Approved Process Servers and all of the information contained in his/her Application and Affidavit currently on file is still correct.
- ☐ The above-named individual is on the Court's List of Approved Process Servers and the information contained in his/her Application and Affidavit needs to be updated as indicated in an attachment, provided by me herewith.

/s/ Marty W. Seaton  
Attorney for Plaintiffs

**ORDER**

It is hereby ordered that Petitioner/ Plaintiff's Motion for Approval and Appointment of a Private Process server is sustained and the above-named individual is hereby approved and appointed to serve process in the above captioned matter.

DATE

DCA



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2116-CV05640
Plaintiff/Petitioner: PATRICIA MICHAELS	Plaintiff's/Petitioner's Attorney/Address MARTY WAYNE SEATON TURNER & SWEENEY 10401 HOLMES ROAD SUITE 450 KANSAS CITY, MO 64131
Defendant/Respondent: WAL-MART STORES EAST I, L.P.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

<p>The State of Missouri to: RAY SCOTT Alias: 1000 NE SAM WALTON LANE LEE'S SUMMIT, MO 64086</p> <p><b>COURT SEAL OF</b>  <b>JACKSON COUNTY</b></p>	<p><b>PRIVATE PROCESS SERVER</b></p> <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>25-MAR-2021 Date</p> <p>_____ Clerk</p> <p>Further Information:</p>
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<p><b>Sheriff's or Server's Return</b></p> <p><b>Note to serving officer:</b> Summons should be returned to the court within thirty days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.</p> <p><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).</p> <p><input type="checkbox"/> other _____</p> <p>Served at _____ (address)</p> <p>in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).</p> <p>_____ Printed Name of Sheriff or Server</p> <p>_____ Signature of Sheriff or Server</p> <p><b>Must be sworn before a notary public if not served by an authorized officer:</b></p> <p>Subscribed and sworn to before me on _____ (date).</p> <p>My commission expires: _____ Date _____ Notary Public</p>	
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<p><b>Sheriff's Fees</b></p> <p>Summons \$ _____</p> <p>Non Est \$ _____</p> <p>Sheriff's Deputy Salary \$ 10.00</p> <p>Supplemental Surcharge \$ _____ ( _____ miles @ \$. _____ per mile)</p> <p>Mileage \$ _____</p> <p><b>Total</b> \$ _____</p> <p>A copy of the summons and a copy of the petition must be served on <b>each</b> Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.</p>	
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## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

PATRICIA MICHAELS

PLAINTIFF,

**VS.**

WAL-MART STORES EAST I, L.P., et al.

**DEFENDANTS.**

**Case No.: 2116-CV05640**

## REQUEST FOR ALIAS SUMMONS

COMES NOW Plaintiff by and through her counsel of record and requests the Court issue an Alias Summons directed to the Defendant CT Corporation in this cause of action. The original Summons issued on March 11, 2021 expired prior to Plaintiff being able to forward to the Sheriff of St. Louis County for service.

TURNER, SWEENY &amp; SEATON

/s/ Marty W. Seaton

Marty W. Seaton - MO - 58815/KS 23059

[mseaton@turnersweeny.com]

John E. Turner - MO - 26218

[turner-sweeny@msn.com]

Christopher P. Sweeny - MO-44838/KS 16868

[csweeny@turnersweeny.com]

10401 Holmes Road, Ste. 450

Kansas City, Missouri 64131

(816) 942-5100

[FAX: (816) 942-5104]

ATTORNEYS FOR PLAINTIFF






# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2116-CV05640
Plaintiff/Petitioner: PATRICIA MICHAELS	Plaintiff's/Petitioner's Attorney/Address MARTY WAYNE SEATON TURNER & SWEENEY 10401 HOLMES ROAD SUITE 450 KANSAS CITY, MO 64131
Defendant/Respondent: WAL-MART STORES EAST I, L.P.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

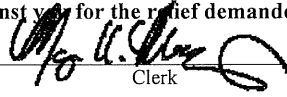
## Summons in Civil Case

**The State of Missouri to:** WAL-MART STORES EAST I, L.P.  
Alias:  
CT CORPORATION SYSTEM  
120 SOUTH CENTRAL AVENUE  
CLAYTON, MO 63105

**COURT SEAL OF**  
  
**JACKSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

27-APR-2021  
Date

  
Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
Printed Name of Sheriff or Server

\_\_\_\_\_  
Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal) Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees**

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$. _____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

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Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



## IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Return SB 5/27

Judge or Division: JENNIFER PHILLIPS	Case Number: 2116-CV05640
Plaintiff/Petitioner: PATRICIA MICHAELS	Plaintiff's/Petitioner's Attorney/Address MARTY WAYNE SEATON TURNER & SWEENEY 10401 HOLMES ROAD SUITE 450 KANSAS CITY, MO 64131 58815
Defendant/Respondent: WAL-MART STORES EAST I, L.P.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** WAL-MART STORES EAST I, L.P.  
Alias:  
CT CORPORATION SYSTEM  
120 SOUTH CENTRAL AVENUE  
CLAYTON, MO 63105  
30 CT CORP  
W

**COURT SEAL OF**  
  
**JACKSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

27-APR-2021  
Date

Clerk

Further Information:

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to **LCW - B. LOVE** (name) **INTAKE SPECIALIST** (title)
- ☒ other **CT CORPORATION** (address)

Served at **St. Louis County** (County/City of St. Louis), MO, on **MAY 07 2021** (date) at **9 AM** (time).

**Nathan Gentry** (Printed Name of Sheriff or Server) **Nathan Gentry** (Signature of Sheriff or Server)

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ (Date) \_\_\_\_\_ (Notary Public)

## Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$_____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

APR 30 2021



## IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Return SB 5/27

Judge or Division: JENNIFER PHILLIPS	Case Number: 2116-CV05640
Plaintiff/Petitioner: PATRICIA MICHAELS	Plaintiff's/Petitioner's Attorney/Address MARTY WAYNE SEATON TURNER & SWEENEY 10401 HOLMES ROAD SUITE 450 KANSAS CITY, MO 64131
Defendant/Respondent: WAL-MART STORES EAST I, L.P.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** WAL-MART STORES EAST I, L.P.  
Alias: 30 CT CORP  
CT CORPORATION SYSTEM  
120 SOUTH CENTRAL AVENUE  
CLAYTON, MO 63105

**COURT SEAL OF**  
  
**JACKSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

27-APR-2021  
Date

Clerk

Further Information:

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Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

## Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.